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2943
New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Veterinary Medical Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102

RECEIVED and FILED by

NEW JERSEY STATE BOARD OF

VETERINARY MEDICAL EXAMINERS

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March 1, 2007

By Certified and Regular Mail

Sandra Dee Taketoshi, D.V.M.
Blue Cross Animal Hospital
1117 N. Delsea Drive
Vineland, New Jersey 08360

Re: I/M/O SANDRA DEE TAKETOSHI, D.V.M.
"Nikita" Ruiz
Complaint Number: 06-025

Offer of Settlement In Lieu of Disciplinary Proceeding

Dear Dr. Taketoshi:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to review a consumer complaint it received, filed by Lillian Ruiz, concerning the treatment you rendered to her dog, "Nikita," in March 2006. Ms. Ruiz alleges, among other charges, that you engaged in negligence and failed to properly diagnose her dog.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint filed by Lillian Ruiz with the Board's administrative office, on or about April 7, 2006, as well any and all attachments and exhibits;

2. A correspondence dated May 1, 2006,
from Dr. Taketoshi, as well as any
and all attachments and exhibits;
and

3. Medical Records of Nikita Ruiz.

In reviewing the records in this matter, the Board found that Ms. Ruiz brought Nikita to your hospital on March 1, 2006. Following your examination of the dog, Nikita was admitted into the hospital where you began procedures to stabilize and treat Nikita while performing diagnostic testing in order to ascertain her condition. A written estimate was provided to Ms. Ruiz. Additionally, the written estimate incorporated a consent form, which among other things, once executed by the owners provided you with authorization to treat operate and/or prescribe medications for Nikita in your treatment of the dog. Following Ms. Ruiz's review and execution of the document, she requested a copy of the estimate/consent form for her records. You and your hospital staff refused to provide the owner with a copy of the estimate/consent form advising her that she was not entitled to copies of "internal" documents.

Ms. Ruiz admitted Nikita into your hospital and complained that she was never contacted by you or your staff relative to the dog's condition or diagnosis. Finally, on March 3rd, the owner arrived to take Nikita home and you provided her with a referral, as well as medical records. Ms. Ruiz further complained as to your alleged failure to diagnose the dog's condition after the two (2) day admission in the hospital.

The Board, following its consideration of the relevant documentation in this matter, has concluded that probable cause exists to support a finding that you violated as well as failed to comply with the Veterinary Practice Act, and the provisions of the regulations administered by the Board, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9, in that you inappropriately refused to provide the owner with a copy of the estimate/consent form upon her request.

N.J.A.C. 13:44-4.9, entitled "Patient records," provides, in the pertinent portion, that:

A licensee shall maintain a separate patient Record for each animal, herd or flock. All Patient records shall accurately reflect the Treatment or services rendered. Such records shall include at least the following information:

1. The name of the facility and identification of the treating licensee. If the patient is treated by anyone other than the licensee, the licensee shall ensure that the identity of the individual providing the service is indicated in the patient record and that the provider initials and dates each entry he or she makes on the patient record;
2. The name, address and telephone number of the owner of the animal;
3. Sufficient information to clearly identify the animal, herd or flock (for example, animal name or tattoo, breed or predominant breed species);
4. A history of the presenting problem;
5. All pertinent symptoms and signs observed;
6. Tests ordered or performed and the results thereof;
7. Conclusions and/or diagnosis;
8. The treatment or treatment plan prescribed, including a specific notation of any medications or modalities prescribed;
9. Such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response;

10. The name, initials or other identifying information to indicate the identity of the licensee or agent making the entry in the patient record; and
11. Copies of any consent forms signed by the owner or the owner's representative.

[N.J.A.C. 13:44-4.9(a); emphasis added].

This regulation clearly identifies any consent form signed by the owner as a component of the patient record and, as such, it is therefore required to be shared with the owner. Moreover, the Board finds that a detailed estimate enumerating proposed veterinary services and/or procedures for an animal, which also requires the owner's signature, constitutes such other information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response which is also required to be maintained in the patient record by N.J.A.C. 13:44-4.9(a)(11) and therefore available to the owner. The Board finds that you violated the mandates of the cited regulation when you refused to provide Ms. Ruiz with a copy of the estimate/consent form she signed on March 1, 2006.

Moreover, the Board, in its review of the medical records you prepared and maintained in this matter, concluded that you again violated the requirements of N.J.A.C. 13:44-4.9, in that your treatment records of Nikita fail to contain the name of your hospital and the identification of the treating licensee as required by N.J.A.C. 13:44-4.9(a)(1).

At this juncture, the Board has determined that the above violation is sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from further violations of the patient records rule, namely N.J.A.C. 13:44-4.9;
2. Pay a penalty in the amount of **\$500.00**, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter,

for refusing to provide the owner with a copy of a signed estimate/consent form, in violation of N.J.A.C. 13:44-4.9(a)(11); and

3. Pay a penalty in the amount of **\$500.00**, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for failing to include the name of the facility and the identification of the treating licensee, on Nikita's treatment records, in violation of N.J.A.C. 13:44-4.9(a)(1).

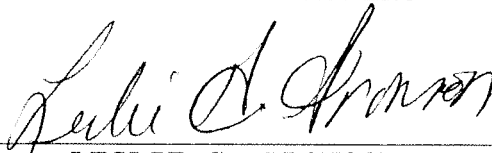
If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an Order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate enforcement action.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By:



LESLIE G. ARONSON
Executive Director

ACKNOWLEDGMENT: I, **SANDRA DEE TAKETOSHI, D.V.M.**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the aggregate amount of **\$1,000.00**, which is to be paid upon my signing of this acknowledgment, for failing to comply with the patient records rule, contrary to N.J.A.C. 13:44-4.9.



SANDRA DEE TAKETOSHI, D.V.M.

DATED:

cc: Deputy Attorney General Olga E. Bradford